

## UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office

Phone (415) 355-7900 Fax (415) 355-8566

<http://www.ca9.uscourts.gov/mediation>**MEDIATION QUESTIONNAIRE**

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are **not** confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s):	11-17255		
District Court/Agency Case Number(s):	3:09-cv02292-JW		
District Court/Agency Location:	Northern District of California		
Case Name:	Perry et al.	v.	Brown et al.
If District Court, docket entry number(s) of order(s) appealed from:	812		
Name of party/parties submitting this form:	Hollingsworth, Knight, Gutierrez, Jansson, ProtectMarriage.com		

Please briefly describe the dispute that gave rise to this lawsuit.

Same-sex couples ("Plaintiffs") challenged the constitutionality of California's Proposition 8, which provides that "[o]nly marriage between a man and a woman is valid or recognized in California," Cal. Const. art. I, § 7.5. Official proponents ("Proponents") of the ballot measure intervened to defend it. When Chief Judge Walker ordered the proceedings to be broadcast in violation of local rule, the Supreme Court granted Proponents' application to stay that decision. Chief Judge Walker then ordered a video-recording of the proceedings to be made with the understanding that it would not be broadcast to the public, and he placed the recording in the record under seal. Plaintiffs subsequently moved to lift the seal.

Briefly describe the result below and the main issues on appeal.

Chief Judge Ware granted Plaintiffs' motion to unseal the video-recording of the trial motion. Proponents' appeal presents the question whether the district court erred by ordering the Clerk to lift the seal on the video-recording of the trial in violation of local rule, Judicial Conference policy, and the Supreme Court's decision in this case.

Describe any proceedings remaining below or any related proceedings in other tribunals.

This court has temporarily stayed the district court's order pending disposition of our motion for a stay pending appeal. Proponents have two related cases pending in this Court. In No. 10-16696, Proponents appeal the district court's ruling that Proposition 8 violates the Constitution. In No. 11-16577, Proponents appeal the order denying Proponents' motion to vacate on the ground that Chief Judge Walker was disqualified from presiding in this case.

Provide any other thoughts you would like to bring to the attention of the mediator.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at [ca09\\_mediation@ca9.uscourts.gov](mailto:ca09_mediation@ca9.uscourts.gov). Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

### **CERTIFICATION OF COUNSEL**

I certify that:

a current service list with telephone and fax numbers and email addresses is attached

☒ (see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and service list

☒ may result in sanctions, including dismissal of the appeal.

Signature

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

**Note:** Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **To file this form electronically** in Appellate ECF, complete the form, and then print the filled-in form to PDF (File > Print > PDF Printer/Creator). Then log into Appellate ECF and choose Forms/Notices/Disclosure > File a Mediation Questionnaire.

**SERVICE LIST**

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